

# Public Notice

U.S. Army Corps of Engineers, Norfolk District

March 16, 2005

CENAO-TS-G  
05-V0070-51

## FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

### APPLICANT

Lowe's Store  
c/o David Bowers  
Jemsite Development LLC  
1608 Highway 221 North  
Jefferson, NC 28640

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located at Bra's corner at 1366 White Oak Drive at the intersection of VSH 360 and US 17 upstream of a private pond which is in an unnamed tributary of Piscataway Creek itself a tributary to the Rappahannock River, in Tappahannock, Virginia which is located on the Tappahannock Quadrangle with the Latitude and Longitude being 375353 and 765204.

PROPOSED WORK AND PURPOSE: The applicant proposes to convert 14 acres of formerly agricultural land by constructing a slab-on-grade retail commercial facility by filling 72,091 square feet of jurisdictional areas. The project will cause a permanent loss of 1.66 acres of waters of the U.S. (WOUS) including wetlands. These impacts consist of 0.31 acres of PEZM, 0.15 acres of PSS, and 1.2 acres of PFO. The proposal will not impact any streams and will not have any temporary impacts. Minimization was accomplished by reducing impacts to the scrub-shrub wetlands on the eastern side of the proposal by 1/10 acre and thereby reducing the footprint of the originally proposed commercial development. The forested and emergent wetlands, and a portion of the scrub-shrub wetlands could not be avoided. Compensatory mitigation is proposed via the Burnley Farms Mitigation Bank which serves the proposed area's watershed (Lower Rappahannock (02080104). Ratios that are proposed are 2:1 (mitigation: impact acreages) for forested impacts, 1.5:1 for scrub-shrub wetlands, and 1:1 for emergent wetlands which results in a ratio of 2.94 for the 1.66 acres of impacts. Burnley Farms Wetland Mitigation Bank, LLC has provided the applicant correspondence that it currently has 8.42 credits available and would be happy to accommodate the applicant's mitigation needs of 2.94 credits.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the WHAT Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

**FEDERAL EVALUATION OF APPLICATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: [elirons@deq.virginia.gov](mailto:elirons@deq.virginia.gov).

**COMMENT PERIOD:** Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on April 18, 2005.

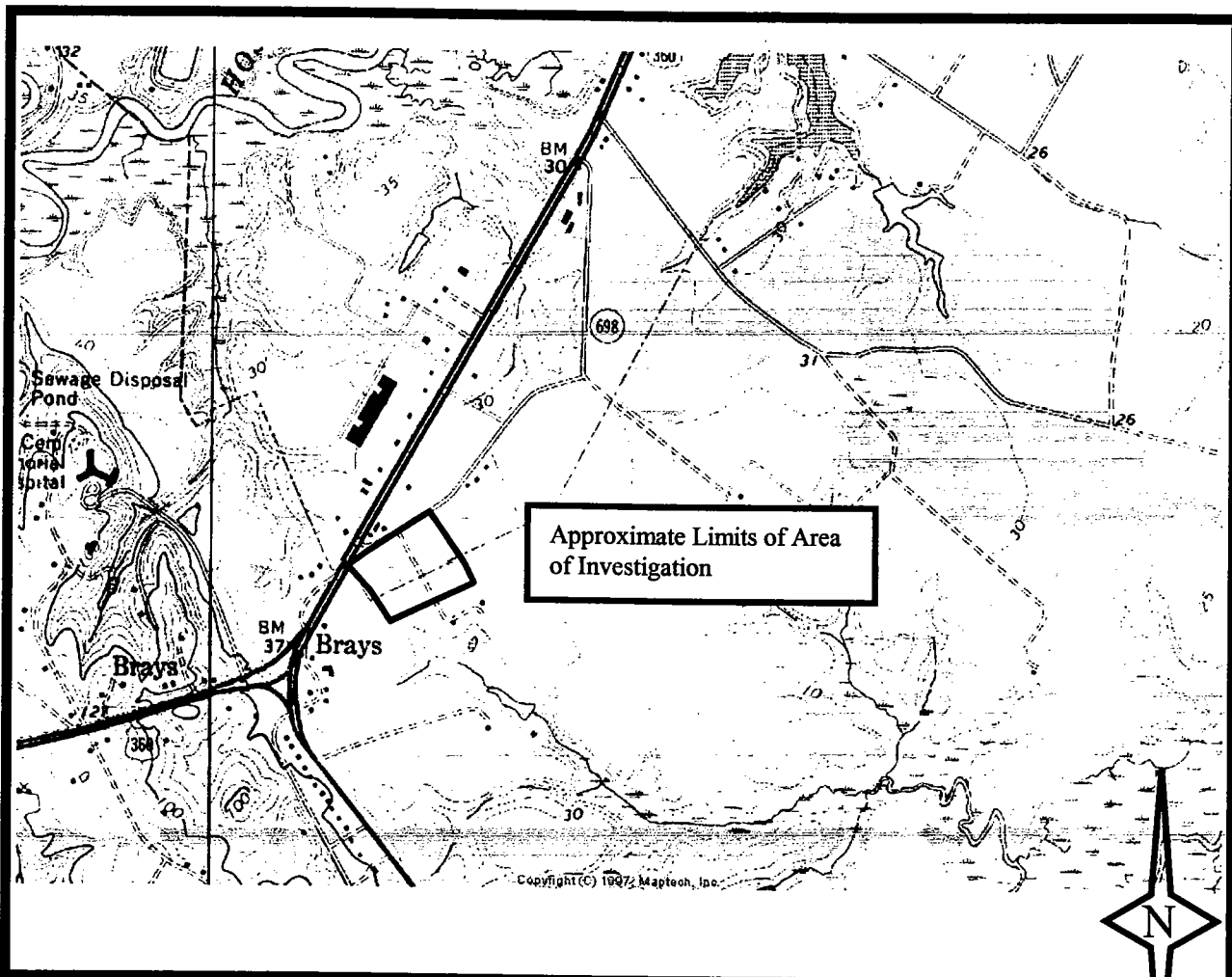
If you have any questions about this project or the permit process, please call:

William N. McGlaun @ 804/ 462-5382

FOR THE DISTRICT ENGINEER:

Bruce F. Williams  
Chief, Northern Virginia  
Regulatory Section

Attachment: Drawings



8401 Arlington Boulevard  
Fairfax, Virginia 22031  
TEL (703) 849-0100  
FAX (703) 849-0104

Architects  
Engineers  
Planners  
Surveyors

**Figure 1**

**Tappahannock, Virginia**  
**USGS Quadrangle**  
**© Map Tech**

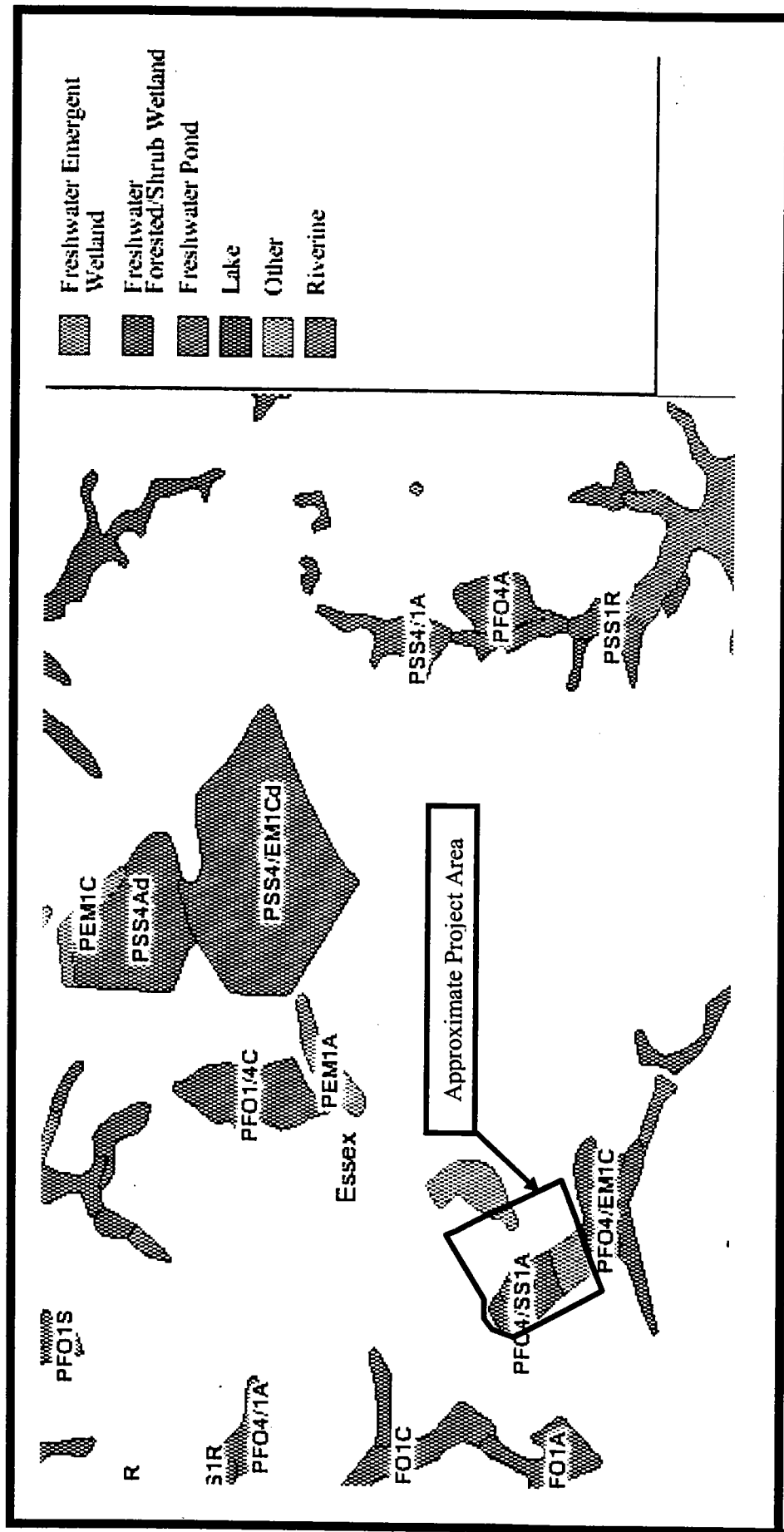
**Not to Scale**

**Tappahannock**  
**at White Oak Drive**

**037° 53' 53.27" N**  
**076° 52' 03.98" W**

**Essex County, Virginia**  
**Piscataway Creek to**  
**Rappahannock River**  
**Watershed**

**March 2004**



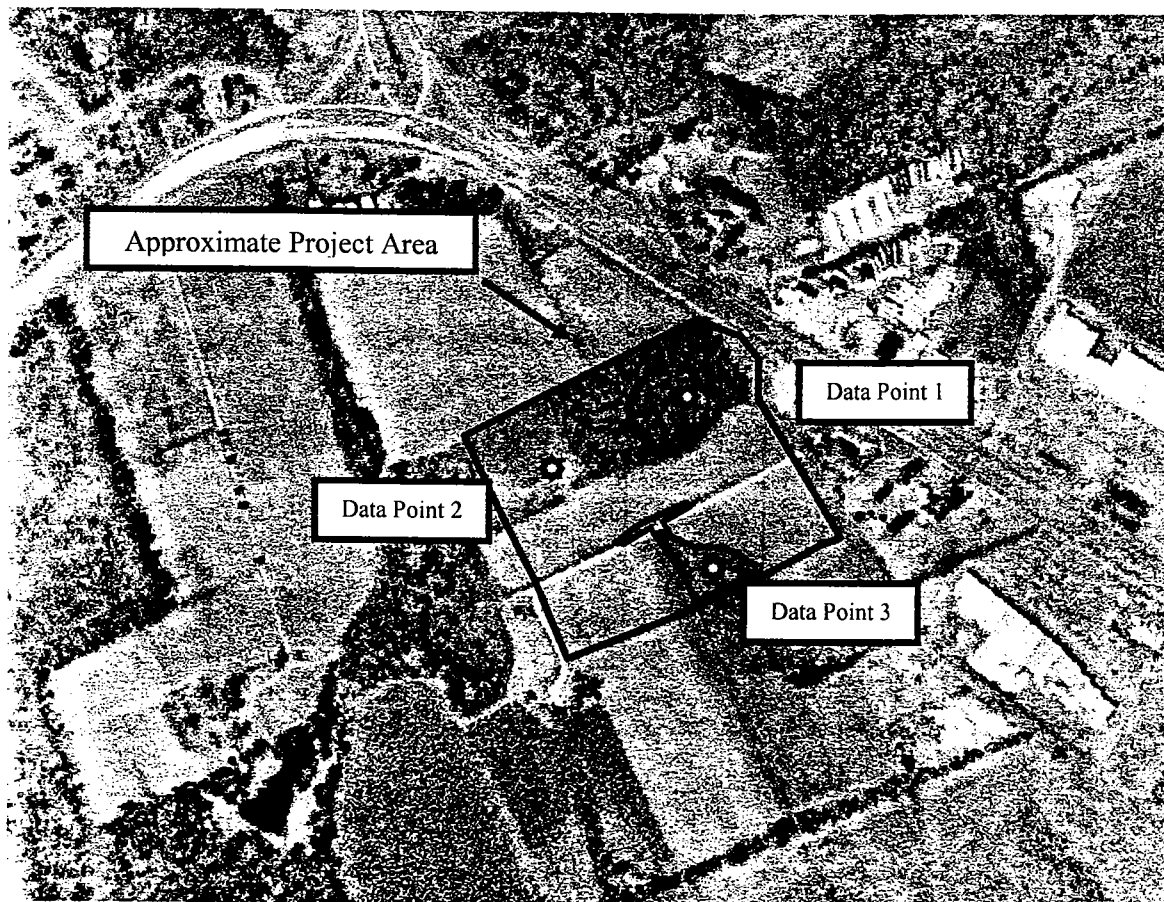
8401 Arlington Boulevard  
 Fairfax, Virginia 22031  
 TEL (703) 849-0100  
 FAX (703) 849-0104

Architects  
 Engineers  
 Planners  
 Surveyors

**Figure 2**  
 National Wetlands Inventory from the  
 NWI Mapper  
<http://wetlandsfws.er.usgs.gov/>

Not to Scale

**Tappahannock**  
 at White Oak Drive  
 37° 53' 53.27" N  
 76° 52' 03.98" W  
 Essex County, Virginia  
 Rappahannock River Watershed  
 March 2004



Approximate wetland area

Approximate Site boundaries

Data Point



8401 Arlington Boulevard  
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TEL (703) 849-0100  
FAX (703) 849-0104

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Engineers  
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### Figure 3

**Infrared Aerial  
Photography from  
University of Virginia's  
Geostat Collection**

<http://fisher.lib.virginia.edu/collections/gis/vagaz/>

**Not to Scale**

**Tappahannock  
at White Oak Drive**

37° 53' 53.27" N  
76° 52' 03.98" W

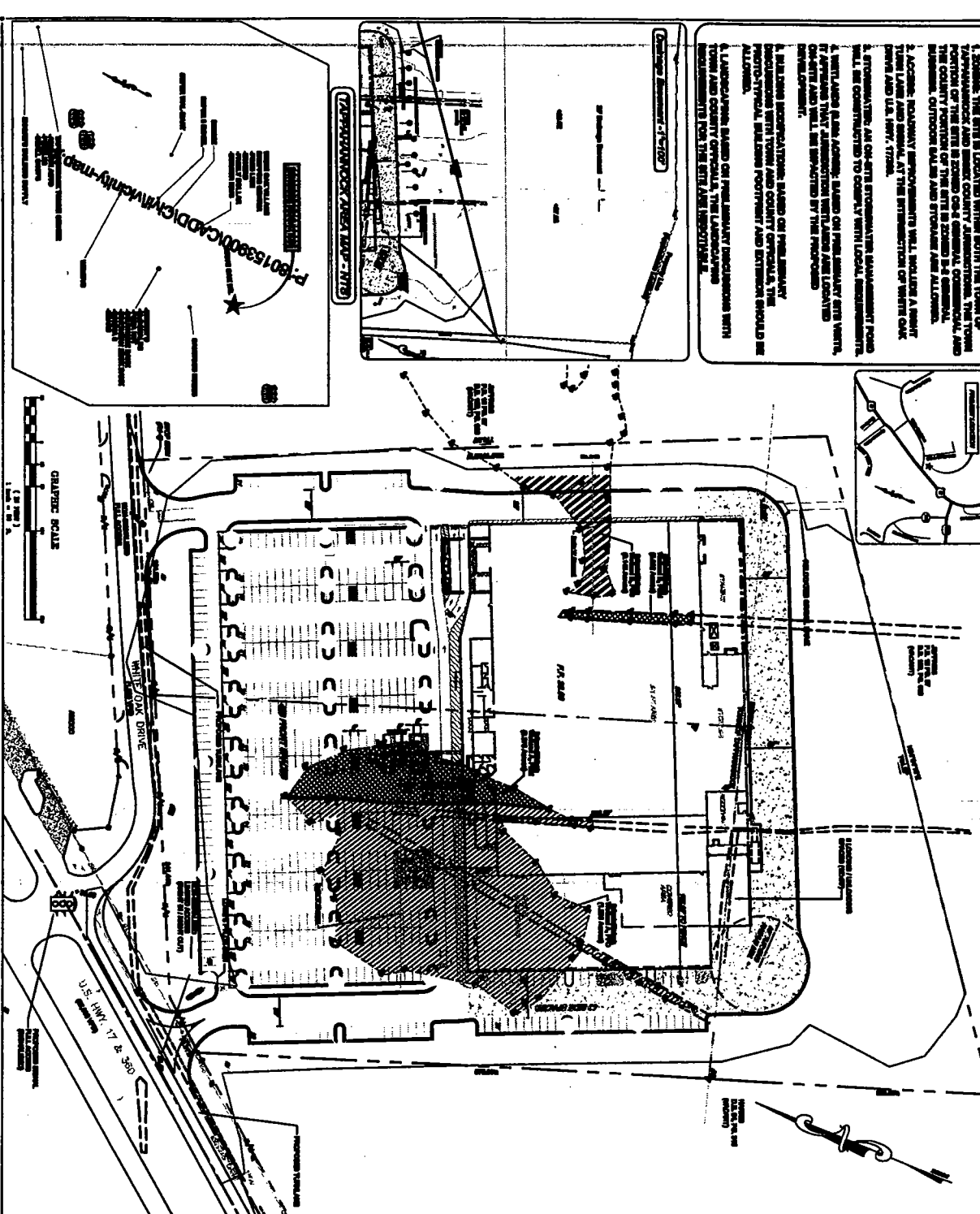
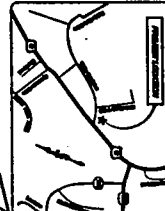
**Essex County, Virginia  
Piscataway Creek to  
Rappahannock River  
Watershed**

**March 2004**

# **SITE DEVELOPMENT NOTES**

1. **STORMWATER**: THIS SITE IS LOCATED WITHIN BOTH THE TOWN OF TAPPANNOCK AND SPOTTSYLVANIA COUNTY JURISDICTIONS. THE TOWN OF TAPPANNOCK HAS A SEWERAGE SYSTEM, BUT THE COUNTY HAS NO SEWERAGE SYSTEM. THE COUNTY PORTION OF THE SITE IS ZONED FOR COMMERCIAL, INDUSTRIAL, OFFICE, STORAGE AND STORAGE AND ALLOWED. THE TOWN OF TAPPANNOCK HAS A SEWERAGE SYSTEM, BUT THE COUNTY HAS NO SEWERAGE SYSTEM. THE COUNTY PORTION OF THE SITE IS ZONED FOR COMMERCIAL, INDUSTRIAL, OFFICE, STORAGE AND STORAGE AND ALLOWED.
2. **ACCESS**: ROADWAY IMPROVEMENTS WILL INCLUDE A NEW TURN LANE AND DRIVEWAY, AT THE INTERSECTION OF WHITE OAK DRIVE AND U.S. HWY. 17/28.
3. **STORMWATER**: AN ON-SITE STORMWATER MANAGEMENT POND WILL BE CONSTRUCTED TO COMPLY WITH LOCAL REQUIREMENTS. IT APPEARS THAT ASSUMPTION WITH A LOW FLOOD PROTECTION ON-SITE AND WILL BE IMPROVED BY THE PROPOSED DEVELOPMENT.
4. **LANDSCAPE**: LANDSCAPING, BASED ON PRELIMINARY DISCUSSIONS WITH TOWN AND COUNTY OFFICIALS, THE PHOTO-TYPICAL, BUILDING FOOTPRINT AND EXTERIOR SHOULD BE ALLOWED.
5. **LANDSCAPE**: BASED ON PRELIMINARY DISCUSSIONS WITH TOWN AND COUNTY OFFICIALS, THE PHOTO-TYPICAL, BUILDING FOOTPRINT AND EXTERIOR SHOULD BE ALLOWED.

# **PROPERTY MAP - NOT TO SCALE**



# **GENERAL NOTES**

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**1**

**Preliminary Site Plan**

**LOWE'S OF TAPPANNOCK VIRGINIA**

**Dewberry**

**Dewberry & Davis, Inc.**

**PROJECT TEAM**

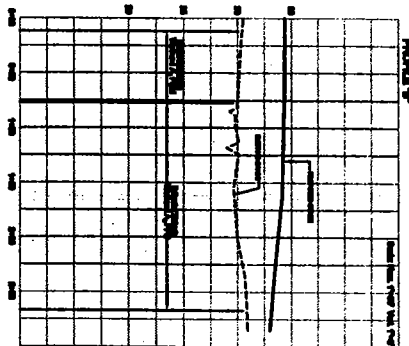
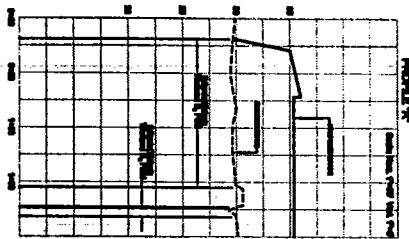
David E. Shelton, P.E., V.P. Field Estimator & Cost Estimator

Matthew Johnson, Engineering Manager

Chris L. Smith, Civil Engineer

Chris L. Smith, Civil Engineer

Chris L. Smith, Civil Engineer



2

**Preliminary  
Wetland Area Profile**  
**LOWES OF:  
TAPPAHANNOCK  
VIRGINIA**

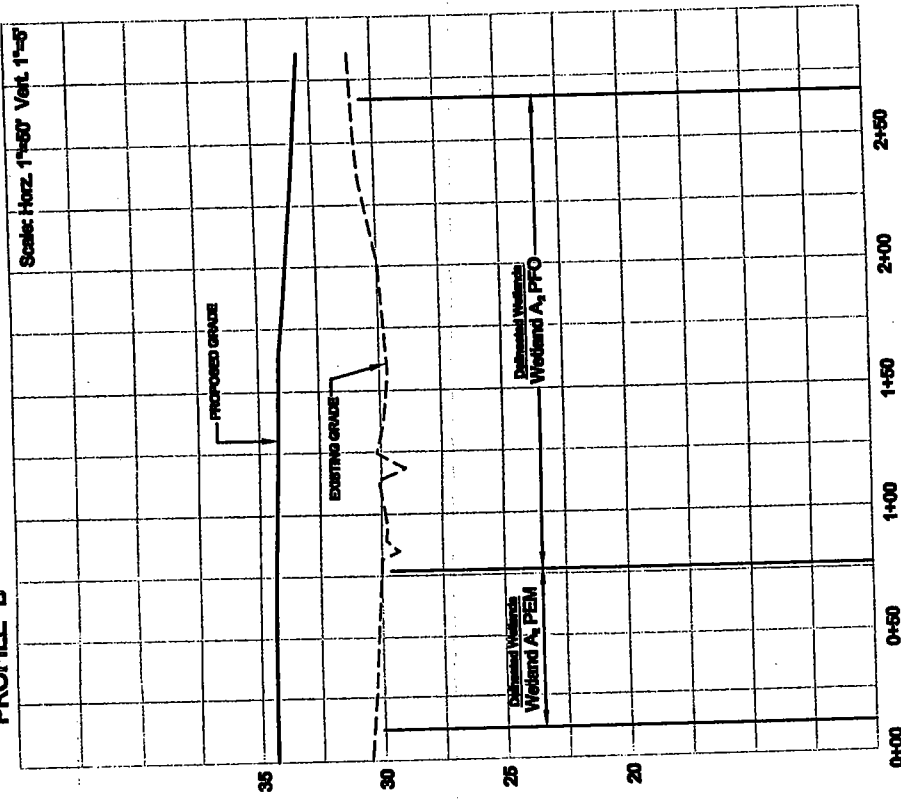


**Dewberry**  
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**PROJECT TEAM**  
 David E. Shuman  
 Sr. VP, Real Estate, Plan & Const.  
 Matthew Miller  
 Engineering Manager  
 Peter L. Pothoff  
 Site Development Manager  
 Douglas M. Davis  
 Real Estate Manager



PROFILE "B"



PROFILE "A"

